

REMARKS

General Remarks

Claims 1-7 are all the claims pending in this application. Claims 1-5 have been amended. No new matter is added. In particular, claim 4 recites “a span protected by said ring protection”, which provides antecedent basis for the later recitations of “said span” in the claim.

Applicant also herein incorporates the arguments for patentability filed October 27, 2005, without duplicating them in the current response. The Examiner's reconsideration of the patentability of the presented claims is respectfully urged for the reasons set forth in the October 27 response, as well as the further reasons now provided below.

Claim Rejections - 35 U.S.C. § 1020

The Patent Office rejected claims 1-5 under 35 U.S.C. § 102(b) as allegedly being anticipated by GR-1230 (GR-1230-CORE, “SONET Bidirectional Line-Switched Ring Equipment Generic Criteria”, Issue 4, December 1998, Chapter 6). Applicant respectfully traverses the § 102(b) rejection of claims 1-5. Applicant first turns to claim 1, which requires:

sending suitable ring failure signals of said ring protection by the nodes or network elements of a span protected by said ring protection;

verifying that only the protection channels of said span have been restored;

maintaining said ring protection of said span, for a predetermined time, when the verification is positive; and

managing said span protection for said span, after said predetermined time.

Referring to GR-1230 section 6.2.2.3.7, it shows an example of reverting (at time T3 of Fig. 6-14 on page 6-71) from a ring protection to a span protection, but the reversion refers to DIFFERENT spans. In fact, the ring protection (SF-R) refers to span E-D (*See*, Fig. 6-13 on page 6-69), while the span protection (SD-S) refers to span E-F. However, claim 1 is different in that

the reversion refers to the SAME span, and this point is exemplified in claim 1 by the new feature “managing said span protection for said span, after said predetermined time”, wherein “said span” is previously defined by “a span protected by said ring protection”.

Also, in the Advisory Action, the Examiner indicated that R6-149 on page 6-36 does not exclude the possibility of sending a WTR after clearing on only the protection channels. R6-149, however, should be interpreted to take into account the complete teachings of chapter 6, wherein it's never indicated to send a WTR after clearing on only the protection channels. In fact, Fig. 6-2 through Fig. 6-20 show sending WTR after clearing on the working channels. Indeed, since R6-149 neither explicitly nor implicitly teaches sending a WTR after clearing on only the protection channels, it appears the Examiner is reading that such a feature would be inherently disclosed.

When attempting to establish the invalidity of a claim under 35 U.S.C. § 102, it must be shown that “all of the elements and limitations of the claim are found within a single prior art reference.”¹ “There must be no difference between the claimed invention and the reference disclosure,” and the subject matter in the reference “must be identical in all material respects.”² As stated above, this is not the case with regard to claim 1, as R6-149 of GR-1230 fails to disclose maintaining said ring protection of said span, *for a predetermined time, when the verification is positive that only the protection channels of said span have been restored*, as recited in claim 1.

For at least the foregoing reasons, independent claims 1 is patentable, and it is respectfully submitted that these reasons apply by way of analogy to independent claim 4 as well. Applicant therefore respectfully requests the Examiner to withdraw this rejection of independent claims 1 and 4, and their dependent claims 2, 3, and 5.

¹ Scripps Clinic & Research Foundation, Revlon, Inc. v. Genentech, Inc., 927 F.2d 1565, 1576 (Fed. Cir. 1991).

² See Id.; and Hupp v. Siroflex of America Inc., 43 U.S.P.Q.2d 1887, 1890 (Fed. Cir. 1997).

Claim Rejections - 35 U.S.C. § 103

The Patent Office rejected claims 6 and 7 under 35 U.S.C. 103(a) as allegedly being unpatentable over GR-1230 (GR-1230-CORE, "SONET Bidirectional Line-Switched Ring Equipment Generic Criteria", Issue 4, December 1998, Chapter 6) in view of Freeman ("Telecommunication System Engineering" by R. Freeman, John Wiley & Sons, 1980, pp. 99-103).

Applicant submits that Freeman's teachings fail to compensate for the above-identified deficiencies of GR-1230 vis-à-vis independent claim 1, and that the combined teachings of these two documents would not have (and could not have) led a person of ordinary skill to the subject matter of independent claim 1, much less that of dependent claims 6 and 7. Applicant therefore respectfully requests the Examiner to withdraw this rejection of claims 6 and 7.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

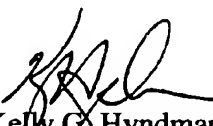
Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER


Kelly G. Hyndman
Reg. No. 39,234

Date: December 23, 2005